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A The German Institute for Youth Human Services and Family Law at a Glance

The “German Institute” was founded more than one hundred years ago. It was established in 1906 as the “Archive of German Professional Guardians”.

In the course of a century, the Institute has become a “Forum for Expert Debates”, which promotes dialogue within the world of family law and takes part in scientific and political discussions as well as in research projects.

The Heidelberg office maintains and develops international contacts all over the world with official and independent organisations involved in support for young people and family law.

The Institute supports its member youth welfare offices all over Germany in enforcing child support claims internationally.

B Reciprocity

B1. With what foreign countries does Germany reciprocate in respect of UIFSA?

Formal declarations exist with all U.S. states except for Alabama, District of Columbia, and Mississippi and with all Canadian Provinces except for Quebec.

Actual reciprocity exists with Alabama and Mississippi.

C Age of Majority

C1. What is the age of majority in Germany?

Eighteen years. Majority or emancipation means that the young person becomes capable of entering into legal transactions, is allowed to vote, to get married without the parents' permission. Between eighteen and twenty-one a young person is considered an adolescent and in case of delinquency there is the option of applying criminal law relating to young offenders rather than criminal law relating to adults.

C2. What is the statutory cite for the age of majority?

§ 2 German Civil Code.

C3. If not addressed in the order, at what age is child support automatically terminated?

N/A

C4. Does the date of the order impact what law is applied?

No.

C5. Does child support end if the child leaves the household?

No.

C6. Does Germany allow support to be paid beyond the age of majority under any circumstances?

Yes.

C7. If so, explain.

An emancipated child is entitled to obtain an adequate education from his/her parents (§ 1610 (2) German Civil Code). Support includes the entire necessities of life, including any expenses for appropriate vocational education, and, if a person is in need of education, the expenses of education as well.

According to § 1603 (2) German Civil Code an emancipated child still living with one parent and going to school has to be treated like a minor child until his/her twenty-first birthday.

If an emancipated child is handicapped and incapacitated from earning a living and is without sufficient means, parents have to pay support beyond the age of majority.

C8. Does Germany automatically reduce current support owed for remaining children after one of the children in an order reaches the age of majority or otherwise emancipates:

No, the amount set out in the order is still applicable.

D Statute of Limitation

D1. What is the statute of limitation for child support claims in Germany?

The regular period of limitation is three years.

According to § 207 (1) 2 the limitation period for claims between parents and children is suspended during the child's minority.

Pursuant to § 197 (1) German Civil Code there is a thirty year period of limitation for legally established claims, and for claims resulting from enforceable settlement agreements or from enforceable documents.

If such claims refer to regularly recurring (periodic) support payments or future periodic payments, the thirty year period of limitation is substituted by the regular period of limitation, § 195 German Civil Code.

After the child's emancipation, the support claim is subject to the regular limitation period (three years after the eighteenth birthday).

D2. What is your State's statute of limitation for paternity establishment?

There is no statute of limitation.

E Support Details

E1. What guideline type or method does Germany use to calculate child support?

Basically, child support is calculated individually in Germany, depending on the circumstances of each individual case.

In standard cases guidelines (Standard Support Order / Duesseldorf Table) may be applied, however, they are not legally binding.

The following is a translation of the 2007 Standard Support Order:

**Fifth Decree
to Modify the Order on Standard Support Rates
of June 5, 2007**

Pursuant to § 1612a, Subsection 4 (3) in connection with Subsection 3 (1), Subsection 4 (1 and 2) and Subsection 5 of the German Civil Code in the version published on January 2, 2002 (Federal Law Gazette I, p. 42, 2909, 2003 I p. 738) and in connection with Art. 5 § 1 of the Child Support Act of April 6, 1998 (Federal Law Gazette I p. 666), which was revised by Art. 2 of the Act of November 2, 2000 (Federal Law Gazette I, p. 1479), the Federal Ministry of Justice has made the following Decree:

Article 1

§§ 1 and 2 of the Order on Standard Support Rates of April 6, 1998 (Federal Law Gazette I, p. 666, 668), which was last modified by Decree of April 8, 2005 (Federal Law Gazette I, p. 1055), are amended as follows:

"§ 1

Assessment of Standard Support Rates

The standard rates for the support of a minor child to be paid by the parent who does not live with the child amount to

1. Euro 202.00 per month in the first age group, beginning on July 1, 2007,
2. Euro 245.00 per month in the second age group, beginning on July 1, 2007,
3. Euro 288.00 per month in the third age group, beginning on July 1, 2007.

§ 2

**Assessment of the standard support rates for the
Territory mentioned in Article 3 of the Unification Treaty**

The standard rates for the support of a minor child to be paid by the parent who does not live with the child amount to

1. Euro 186.00 per month in the first age group, beginning on July 1, 2007,
2. Euro 226.00 per month in the second age group, beginning on July 1, 2007,
3. Euro 267.00 per month in the third age group, beginning on July 1, 2007,

in the Territory mentioned in Article 3 of the Unification Treaty."

Article 2

This Decree shall become effective on July 1, 2007.

Berlin, June 5, 2007

The Federal Minister of Justice
Brigitte Zypries

In the following, you will find a translation of the 2007 Duesseldorf Support Table:

*As of 1 July 2007

DÜSSELDORF TABLE*

A. Child maintenance

Net income of person responsible for maintenance (Notes 3, 4)		Age groups in years (§ 1612a III BGB)				Percentage rate of standard amounts	Control requirement amount (Note 6)
		0 - 5	6 - 11	12 - 17	from 18		
All amounts in Euro							
1.	up to 1300	202	245	288	389	100	770/900
2.	1300 - 1500	217	263	309	389	107	950
3.	1500 - 1700	231	280	329	389	114	1000
4.	1700 - 1900	245	297	349	401	121	1050
5.	1900 - 2100	259	314	369	424	128	1100
6.	2100 - 2300	273	331	389	447	135	1150
7.	2300 - 2500	287	348	409	471	142	1200
8.	2500 - 2800	303	368	432	497	150	1250
9.	2800 - 3200	324	392	461	530	160	1350
10.	3200 - 3600	344	417	490	563	170	1450
11.	3600 - 4000	364	441	519	596	180	1550
12.	4000 - 4400	384	466	548	629	190	1650
13.	4400 - 4800	404	490	576	662	200	1750
over 4800		according to circumstances of the individual case					

Notes:

1. The table has no legal force, but represents simply a guideline. It shows monthly maintenance guidelines, relating to a person responsible for maintenance for a spouse and two children.

In case of a greater/smaller number of persons entitled to maintenance, reductions or surcharges should be applied by classification in lower or higher groups. Note 6 should be observed. In order to cover the necessary minimum requirements of all concerned - including the spouse - reclassification should be made if necessary into the lowest group of the table. If the available income is still insufficient, an assessment of the need must be carried out in accordance with Section C.

2. The guideline amounts of the 1st income group correspond to the Regulation amount in Euro according to the Regulation amount Ordinance West in the version valid from 1 July, 2007. The percentage rate expresses the increase in the guideline amount of the relevant income group in comparison to the regulation amount (= 1st income group). The guideline amounts calculated by multiplying the regulation amount by the percentage rate are rounded up in accordance with § 1612a II German Civil Code.
3. Professional expenses, which can be distinguished from private living costs by means of objective criteria, are to be deducted from the income, although in the case of sufficient grounds, a fixed amount of 5% of the net income - at least 50 Euro, or less for short part-time work, and a maximum of 150 Euro monthly - can be estimated. If the professional expenses exceed the fixed amount, they must be substantiated.
4. Debts capable of being taken into account may as a rule be deducted from the income.

* The new table and the notes are based on co-ordinating discussions held between judges of the Family Council of the Provincial High Courts of Düsseldorf, Cologne and Hamm and the Maintenance Commission of the Deutsche Familiengerichtstag e.V., taking into account the results of a survey of all Provincial High Courts.

5. The necessary own requirements (self-maintenance)
- in favour of minor, unmarried children,
 - in favour of adult, unmarried children up to the age of 21 who still live in the same household as the parents or one of the parents, and who are still attending school full-time,
- is 770 Euro monthly for unemployed persons responsible for maintenance, and 900 Euro monthly for employed persons responsible for maintenance. This includes up to 360 Euro for accommodation including transferable ancillary costs and heating (warm rent). The self-maintenance can be increased appropriately if this amount is substantially exceeded in individual cases, and this is unavoidable.

The appropriate own requirements, especially toward other adult children, is as a rule at least 1100 Euro per month. This includes warm rent of up to 450 Euro.

6. The control requirement amount of the person responsible for maintenance from Group 2 is not identical with the own requirement. This should ensure a balanced distribution of the income between the person responsible for maintenance and the children entitled to maintenance. If after taking into account the spouse's maintenance, the figure is below this level (see also B V and VI), the figure for the next lowest group whose control requirement amount is not exceeded should be used.
7. In the case of adult children who still live in the same household as the parents or one of the parents, the maintenance is determined using the 4th age group of the table taking into consideration the decision of the Federal Court of Justice as of 17 Jan. 2007 - XII ZR 166/04 (FamRZ 2007, 542) for the amounts of the first three income groups stated in the table.

The appropriate total maintenance requirement of a student, who is not living in the same household as the parents or one of the parents, is as a rule 640 Euro per month. This amount includes up to 270 Euro for accommodation including transferable ancillary costs and heating (warm rent). This requirement rate can also be used for a child with its own household.

8. The training payment for a child undergoing occupational training, which still lives in the same household as the parents or one of the parents, should as a rule be reduced by an additional training requirement of 90 Euro per month before reconciliation.
9. The maintenance amounts (see Notes 1 and 7) do neither include contributions to health and health care insurance nor tuition fees.
10. The child allowance payable for the relevant child may, in accordance with § 1612b I German Civil Code, be reconciled against the amount shown in the table to the level of 50%. The reconciliation of the child allowance may be omitted if the person responsible for maintenance is not in a position to pay maintenance at the level of 135% of the control amount (see Section A, Note 2), or in other words the child is not receiving at least the guideline amount of the 6th income group, less half the child allowance (§ 1612b V German Civil Code). In the case of maintenance to be provided to adult children the decisions of the Federal Court of Justice of 26 Oct. 2005 - XII ZR 346/03 - (FamRZ 2006, 99) and of 17 Jan. 2007 - XII 166/04 - (FamRZ 2007, 542) should be taken into consideration.

The child allowance to be reconciled up to the 6th income group can be calculated according to the following formula: $\frac{1}{2}$ of the child allowance + the guideline amount of the relevant income group - the guideline amount of the 6th income group (135% of the regulation amount). In the event of a negative balance, the reconciliation should be omitted. The details are given in the appendix to this table.

B. Spouse's maintenance

I. Monthly maintenance guidelines for an entitled spouse without children also entitled to maintenance (§§ 1361, 1569, 1578, 1581 German Civil Code):

1. against a person responsible for maintenance who is in employment:
- a) if the entitled person has no income:
 $\frac{3}{7}$ of the reconcilable occupational income plus $\frac{1}{2}$ of the reconcilable other income of the person responsible for maintenance, to the upper limit of the full maintenance amount, measured according to the marital circumstances to be taken into account;
 - b) if the entitled person also has an income:
 $\frac{3}{7}$ of the difference between the reconcilable occupational income of the spouse, to the upper limit of the full marital requirement; for other reconcilable income, the halving principle applies;
 - c) if the entitled person is in employment, although there is no obligation for them to do so:

in accordance with § 1577 II German Civil Code;

2. against a person responsible for maintenance who is not in employment (e.g. a pensioner):
as for 1 a, b, or c, although 50%.

II. Continued applicability of earlier law:

1. Monthly maintenance guidelines for the entitled spouse, according to marital law (EheG), without children entitled to maintenance:

- | | |
|--------------------|---|
| a) §§ 58, 59 EheG: | as a rule as for I, |
| b) § 60 EheG: | as a rule ½ of the maintenance under I. |
| c) § 61 EheG: | appropriately up to the rates of I. |

2. In the case of spouses who divorced prior to 3.10.1990 in the former East Germany, the DDR-FGB should be taken into account in conjunction with the Agreement Ordinance (Art. 234 § 5 EGBGB).

III. Monthly maintenance guidelines for an entitled spouse, if the marital circumstances are still subject to maintenance obligations toward children:

As for I and II 1, although the child maintenance (amount shown in the table without deduction of the child allowance) is fundamentally deducted from the net income in advance. If this leads to an imbalance between the child's and spouse's maintenance, the spouse's maintenance must be calculated in accordance with the principles of the decision of the Federal Court of Justice of 22.1.2003 (Fam RZ 2003, 363 ff.).

IV. Monthly own requirement (self-maintenance) in favour of a separated and a divorced spouse, as a rule:

regardless of whether employed or not employed	1,000 Euro
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V. Monthly own requirement (minimum livelihood level) in favour of a spouse entitled to maintenance, including the extra requirement due to separation, generally:

- | | |
|---------------------|----------|
| 1. if employed: | 900 Euro |
| 2. if not employed: | 770 Euro |

VI. Monthly own requirement (minimum livelihood level) of spouse living in a joint household with the person who is obliged to provide maintenance in favour of minor and privileged adult children, generally:

- | | |
|---------------------|----------|
| 1. if employed: | 650 Euro |
| 2. if not employed: | 560 Euro |

VII. Monthly own requirement (minimum livelihood level) of spouse living in a joint household with the person who is obliged to provide maintenance in favour of not privileged adult children, generally:

Euro	if employed or not employed 800
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Notes on I - III:

With regard to professional expenses and debts capable of being taken into account, Notes A 3 and 4 also apply accordingly for a person entitled to maintenance who is also in employment. Those professional expenses which according to objective criteria cannot be clearly distinguished from private living costs, are included at a fixed rate in the working person's bonus of $\frac{1}{7}$.

C. Cases of need

If the income is insufficient to cover the requirements of the person responsible for maintenance and the person entitled to maintenance (so-called cases of need), the amount remaining after deduction of the necessary own requirement (self-maintenance) of the person responsible for maintenance should be distributed equally between the persons entitled to maintenance in proportion to their relevant contribution amounts.

The contribution amount for the child maintenance corresponds to the minimum livelihood level. This is currently the amount shown in the table for the 6th income group in accordance with § 1612b V German Civil Code.

The contribution amount for the spouse's maintenance is also set at the minimum livelihood level. In the case of spouses either divorced or living separately, this corresponds to the necessary own requirement in accordance with B V of the Düsseldorf table, and in the case of spouses living with the person responsible for maintenance, the self-maintenance amount in accordance with B VI of the Düsseldorf table.

The results arrived at by the need calculation must be corrected if the calculated amounts exceed the amounts arrived at without the need calculation (Decree Federal Court of Justice of 22 Jan. 2003 Fam RZ 2003, 363 ff.).

On account of the different self-maintenance amounts as against minor children and spouses it is recommended to start the case of need calculation by determining the amount of the personal need as against the spouse. This will indicate the ultimate maintenance amount for the spouse. The child maintenance has to be increased proportionally by the balance between the required self-maintenance amount as against minor children and the personal need as against the spouse according to the maintenance need of the children up to the standard amount.

Example:

Adjusted net income of the person responsible for maintenance (M): 1500 Euro. Maintenance for two children entitled to maintenance aged 6 years (K 1) and 8 years (K 2), who live with the former wife and mother (F), who is also entitled to maintenance and not in work. F receives the child allowance.

Necessary own requirement of M against the spouse:	1000 Euro,
Distribution amount: 1500 Euro - 1000 Euro =	500 Euro,
Necessary total requirement of persons entitled to maintenance:	
331 Euro (K 1) + 331 Euro (K 2) + 770 Euro (F) =	1432 Euro.

Maintenance:

K 1:	$331 \times 500 : 1,432 = 115.57$ Euro
K 2:	$331 \times 500 : 1,432 = 115.57$ Euro
F:	$770 \times 500 : 1,432 = 268.85$ Euro.

Increase of the child maintenance by 50 Euro for each child ($1/2 \times (1000 \text{ Euro} - 900 \text{ Euro})$) to 165.57 Euro.

Maintenance amount owed:

for F	268.85 Euro
for K1 and K2 each	165.57 Euro

No correction is made to these amounts.

Child allowance is not reconciled (§ 1612b V German Civil Code).

D. Maintenance of relatives and maintenance in accordance with § 1615 I German Civil Code

1. Appropriate self-maintenance for parents: at least 1,400 Euro per month (including 450 Euro warm rent), plus half of any excess income. The appropriate maintenance for the spouse living with the person responsible for maintenance is determined by the marital circumstances (halving principle), although it must be at least 1050 Euro (including 350 Euro warm rent).
2. Requirements of the mother and father of an illegitimate child (§ 1615 I III s.1, 1610 German Civil Code): according to the circumstances of the parent caring for the child, as a rule at least 770 Euro.

Appropriate self-maintenance for the mother and father of an illegitimate child: regardless of whether employed or not employed, as a rule: 1,000 Euro.

Appendix to Part A Note 10 of the DÜSSELDORF TABLE AS OF 01 JULY 2007

Reconciliation of child allowance in accordance with § 1612b V BGB

1) Reconciliation of (half of) the child allowance for the 1st to 3rd child of 77 Euro each

Income group	0 - 5 years	6 - 11 years	12 - 17 years
1 = 100%	202 - 6 = 196	245 - 0 = 245	288 - 0 = 288
2 = 107%	217 - 21 = 196	263 - 9 = 254	309 - 0 = 309
3 = 114%	231 - 35 = 196	280 - 26 = 254	329 - 17 = 312
4 = 121%	245 - 49 = 196	297 - 43 = 254	349 - 37 = 312
5 = 128%	259 - 63 = 196	314 - 60 = 254	369 - 57 = 312
6 = 135%	273 - 77 = 196	331 - 77 = 254	389 - 77 = 312

2) Reconciliation of (half of) the child allowance for the 4th and every further child of 89.50 Euro each

Income group	0 - 5 years	6 - 11 years	12 - 17 years
1 = 100%	202 - 18.50 = 183.50	245 - 3.50 = 241.50	288 - 0 = 288.50
2 = 107%	217 - 33.50 = 183.50	263 - 21.50 = 241.50	309 - 9.50 = 299.50
3 = 114%	231 - 47.50 = 183.50	280 - 38.50 = 241.50	329 - 29.50 = 299.50
4 = 121%	245 - 61.50 = 183.50	297 - 55.50 = 241.50	349 - 49.50 = 299.50
5 = 128%	259 - 75.50 = 183.50	314 - 72.50 = 241.50	369 - 69.50 = 299.50
6 = 135%	273 - 89.50 = 183.50	331 - 89.50 = 241.50	389 - 89.50 = 299.50

The child allowance to be reconciled can also be calculated according to the following formula:

Reconciliation amount = ½ of the child allowance - guideline amount of the relevant income group - guideline amount of the 6th income group (135% of the regulation amount). In the event of a negative balance, the reconciliation should be omitted. From income group 6, half of the child allowance is reconciled against the maintenance amount shown in the table (§ 1612b I German Civil Code).

DÜSSELDORF TABLE¹

A. Child maintenance

	Net income of person responsible for maintenance (Notes 3, 4)	Age groups in years (§ 1612a clause 1 German Civil Code)				Percentage rate	Control requirement amount (Note 6)
		0 - 5	6 - 11	12 - 17	from 18		
<u>All amounts in Euros</u>							
1.	up to 1,500	279	322	365	408	100	770/900
2.	1,501 - 1,900	293	339	384	429	105	1,000
3.	1,901 - 2,300	307	355	402	449	110	1,100
4.	2,301 - 2,700	321	371	420	470	115	1,200
5.	2,701 - 3,100	335	387	438	490	120	1,300
6.	3,101 - 3,500	358	413	468	523	128	1,400
7.	3,501 - 3,900	380	438	497	555	136	1,500
8.	3,901 - 4,300	402	464	526	588	144	1,600
9.	4,301 - 4,700	425	490	555	621	152	1,700
10.	4,701 - 5,100	447	516	584	653	160	1,800
		over 5,101	according to circumstances of the individual case				

Notes:

1. The table has no legal force, but represents simply a guideline. It shows the monthly maintenance needs relating to three persons entitled to be maintained without regard to order of priority. The need is not identically equal to the amount payable; this amount is determined taking into consideration the notes below.

In case of a greater/smaller number of persons entitled to maintenance, reductions or surcharges should be applied by classification in lower or higher groups. Note 6 should be observed. In order to cover the necessary minimum requirements of all concerned - including the spouse - reclassification should be made if necessary into the lowest group of the table. If the available income is still insufficient, the priority of the children in the sense of note 5 clause 1 shall prevail. If applicable a deficiency calculation among the persons entitled to maintenance having all first priority must be carried out in accordance with Section C.

2. The target rates of the 1st income group correspond to the minimum requirements in Euros according to § 1612 a German Civil Code in connection with § 36 no. 4 EGZPO. The percentage rate expresses the increase of the target rate of the relevant income group in comparison to the minimum requirements (= 1st income group). The amounts calculated by multiplying the minimum requirement which has not been rounded off by the percentage rate are rounded up in accordance with § 1612 a clause 2 p. 2 German Civil Code.

¹ The new table and the notes are based on co-ordinating discussions held between judges of the Family Council of the Provincial High Courts and the Maintenance Commission of the Deutsche Familiengerichtstag e.V.

3. Occupational expenses, which can be distinguished from private living costs by means of objective criteria, are to be deducted from the income, although in the case of sufficient grounds, a fixed amount of 5% of the net income - at least 50 Euros, or less for short part-time work, and a maximum of 150 Euros monthly - can be estimated. If the occupational expenses exceed the fixed amount, they must be substantiated.
4. Debts eligible of being taken into account may as a rule be deducted from the income.
5. The necessary personal requirements (retained amount)
 - with respect to minor, unmarried children,
 - with respect to unmarried children of full age up to the age of 21 who still live in the same household as the parents or one of the parents, and who are still attending school full-time,

is 770 Euros monthly for unemployed persons responsible for maintenance, and 900 Euros monthly for employed persons responsible for maintenance. This includes up to 360 Euros for accommodation including apportionable incidental costs and heating. The retained amount can be increased appropriately if this amount is substantially exceeded in individual cases, and this is unavoidable.

The appropriate personal requirements, especially with respect to other children of full age, is as a rule at least 1100 Euros per month. This includes rent (including heating) of up to 450 Euros.
6. The control requirement amount of the person responsible for maintenance from Group 2 is not identical with the personal requirements. It shall ensure a balanced distribution of the income between the person responsible for maintenance and the children entitled to maintenance. If this amount, after taking into account further obligations to provide maintenance, is below this level, the amount indicated in the Table for the next group below which does not fall below the control requirement amount is to be used.
7. In the case of children of full age who still live in the same household as the parents or one of the parents, the maintenance is determined using the 4th age group of the Table.

The appropriate total maintenance requirement of a student, who is not living in the same household as the parents or one of the parents, is as a rule 640 Euros per month. This amount includes up to 270 Euros for accommodation including apportionable incidental costs and heating. This requirement rate can also be used for a child with its own household.
8. The apprenticeship pay for a child undergoing occupational training that still lives in the same household as the parents or one of the parents, should as a rule be reduced by an additional training-related requirement of 90 Euros per month before reconciliation.
9. The requirement amounts (see Notes 1 and 7) do neither include contributions to health care and nursing care insurance nor tuition fees.
10. The child allowance payable for the relevant child may, in accordance with § 1612 b German Civil Code, be reconciled against the amount shown in the Table (requirement).

B. Spouse's maintenance

- I. Monthly maintenance guidelines for an entitled spouse without children also entitled to maintenance (§§ 1361, 1569, 1578, 1581 German Civil Code):
 1. against a person responsible for maintenance who is in employment:
 - a) if the entitled person has no income:
 $\frac{3}{7}$ of the reconcilable occupational income plus $\frac{1}{2}$ of the reconcilable other income of the person responsible for maintenance, to the upper limit of the full maintenance amount, measured according to the marital circumstances to be taken into account;
 - b) if the entitled person also has an income:
 $\frac{3}{7}$ of the difference between the reconcilable occupational income of the spouse to the upper limit of the full marital requirement; for other reconcilable income, the halving principle shall apply;

- c) if the entitled person is in employment, although there is no obligation for her/him to do so: in accordance with § 1577 clause 2 German Civil Code;
- 2. against a person responsible for maintenance who is not in employment (e.g. a pensioner): as for I a, b, or c, although 50%.

II. Continued applicability of earlier law:

- 1. Monthly maintenance guidelines for the entitled spouse, according to marital law (EheG), without children entitled to maintenance:

- a) §§ 58, 59 EheG: as a rule as for I,
- b) § 60 EheG: as a rule ½ of the maintenance under I.
- c) § 61 EheG: appropriately up to the rates of I.

- 2. In the case of spouses who divorced prior to 03 Oct.1990 in the former East Germany, the DDR-FGB should be taken into account in conjunction with the Agreement Ordinance (Art. 234 § 5 EGBGB).

III. Monthly maintenance target rates for an entitled spouse, if the marital circumstances are still subject to maintenance obligations toward children:

As for I and II 1, although the child maintenance (amount payable; see Note C and Appendix) is principally deducted from the net income in advance.

IV. Monthly personal requirements (retained amount) with respect to a separated and a divorced spouse entitled to maintenance:

regardless of whether employed or not employed 1,000 Euros

V. Subsistence minimum of the spouse entitled to maintenance, including the extra requirement due to separation, generally:

- 1. if employed: 900 Euros
- 2. if not employed: 770 Euros

VI. Monthly personal requirements of spouse living in a joint household with the person who is obliged to provide maintenance with respect to not privileged children of full age or subordinate (divorced) spouses:

regardless of whether employed or not employed 800 Euros

Notes on I - III:

With regard to occupational expenses and debts capable of being taken into account, Notes A 3 and 4 also apply accordingly for a person entitled to maintenance who is also in employment. Those occupational expenses which according to objective criteria cannot be clearly distinguished from private living costs, are included at a fixed rate in the working person's bonus of $\frac{1}{7}$.

C. *Cases of deficiency*

If the income is not sufficient to cover the requirements of the person responsible for maintenance and the equally ranking persons entitled to maintenance (so-called cases of deficiency), the amount remaining after deduction of the necessary personal requirements (retained amount) of the person responsible for maintenance should be distributed equally between the persons entitled to maintenance in proportion to their relevant contribution amounts.

² For calculation of the spousal maintenance the 7th Senate for Family Matters of the Higher Regional Court (OLG) Düsseldorf deducts the amounts indicated in the Table.

The contribution amount for the child maintenance corresponds to the amount payable by the person responsible for maintenance. This corresponds to the remaining requirement after deduction of the child allowance or of the income from the required maintenance.

Example: Adjusted net income of the person responsible for maintenance (M): 1,300 Euros. Maintenance for three children entitled to maintenance aged 7 years (K1), 5 years (K2) and 18 years (K3), students who live with the former wife and mother (F), who is not entitled to maintenance and not obligated to provide maintenance in cash to the children. F receives the child allowance.

Necessary personal requirements of M:		900 Euros
Distribution amount:	1300 Euros - 900 Euros =	400 Euros
Total of contribution amounts of persons entitled to maintenance:		
245 Euros (322 - 77) (K1) + 202 Euros (279 - 77) (K2) + 254 Euros (408 - 154) (K3) =		701 Euros
Maintenance:		
K 1:	245 x 400 : 701 =	139.80 Euros
K 2:	202 x 400 : 701 =	115.26 Euros
K 3:	254 x 400 : 701 =	144.94 Euros

D. Maintenance of relatives and maintenance in accordance with § 1615 I German Civil Code

- I. Appropriate retained amount with respect to parents: at least 1,400 Euros per month (including 450 Euros rent and heating), plus half of any excess income. The appropriate maintenance for the spouse living with the person responsible for maintenance is determined by the marital circumstances (halving principle), although it must be at least 1,050 Euros (including 350 Euros for rent and heating).
- II. Requirements of the mother and father of an illegitimate child (§ 1615 I German Civil Code): according to the circumstances of the parent caring for the child, as a rule at least 770 Euros.

Appropriate retained amount for the mother and father of an illegitimate child (§§ 1615 I, 1603 clause 1 German Civil Code): regardless of whether employed or not employed: 1,000 Euros.

E. Transitional regulation

Conversion of dynamic titles on child maintenance under § 36 no. 3 EGZPO: If child maintenance has to be provided as percentage of the respective standard rate the title will stay in effect. **An amendment is not necessary.** The previous percentage of the standard rate will be substituted by a new percentage of the minimum maintenance which has to be determined separately for the age group applicable in each case and which has to be limited to one decimal place (§ 36 no. 3 EGZPO). The requirement amount follows from the multiplication of the new percentage by the minimum maintenance of the respective age group and shall be rounded up to full Euros (§ 1612a clause 2 p. 2 German Civil Code). The amount payable accrues from the requirement amount which has been reduced or increased by the proportional child allowance.

One has to distinguish between **four different cases**:

1. The title requires the deduction of half of the child allowance (for the 1st, 2nd and 3rd child EUR 77.00, from the 4th child EUR 89.50) or a partial deduction of the child allowance (§ 36 no. 3 a EGZPO).

$$\frac{(\text{Previous amount payable} + \frac{1}{2} \text{ child allowance}) \times 100}{\text{minimum maintenance of the respective age group}} = \text{new percentage}$$

Example for 1st age group

$$\frac{(196 \text{ Euros} + 77 \text{ Euros}) \times 100}{279 \text{ Euros}} = 97.8 \% \quad 279 \text{ Euros} \times 97.8\% = 272.86 \text{ Euros, rounded up to 273 Euros}$$

Amount payable: 273 Euros ./. 77 Euros = 196 Euros

2. The title requires the addition of half of the child allowance (§ 36 no. 3 b EGZPO).

$$\frac{(\text{Previous amount payable} - \frac{1}{2} \text{ child allowance}) \times 100}{\text{minimum maintenance of the respective age group}} = \text{new percentage}$$

Example for 1st age group

$$\frac{(273 \text{ Euros} - 77 \text{ Euros}) \times 100}{279 \text{ Euros}} = 70.2 \% \quad 279 \text{ Euros} \times 70.2\% = 195.85 \text{ Euros, rounded up to 196 Euros}$$

Amount payable: 196 Euros + 77 Euros = 273 Euros

3. The title requires the deduction of the full child allowance (§ 36 no. 3 c EGZPO).

$$\frac{(\text{Amount payable} + \frac{1}{1} \text{ child allowance}) \times 100}{\text{minimum maintenance of the respective age group}} = \text{new percentage}$$

Example for 2nd age group

$$\frac{(177 \text{ Euros} + 154 \text{ Euros}) \times 100}{322 \text{ Euros}} = 102.7 \% \quad 322 \text{ Euros} \times 102.7\% = 330.69 \text{ Euros, rounded up to 331 Euros}$$

Amount payable: 331 Euros ./ 154 Euros = 177 Euros

4. The title neither requires a deduction nor an addition of the child allowance (§ 36 no. 3 d EGZPO).

$$\frac{(\text{Amount payable} + \frac{1}{2} \text{ child allowance}) \times 100}{\text{minimum maintenance of the respective age group}} = \text{new percentage}$$

Example for 3rd age group

$$\frac{(329 \text{ Euros} + 77 \text{ Euros}) \times 100}{365 \text{ Euros}} = 111.2 \% \quad 365 \text{ Euros} \times 111.2\% = 405.88 \text{ Euros, rounded up to 406 Euros}$$

Amount payable: 406 Euros ./ 77 Euros = 329 Euros

Appendix: Table of amounts payable

The following tables show the amounts payable after deduction of the respective child allowance shares (half of the child allowance in case of minor children, full child allowance in case of full aged children). For the 1st, 2nd and 3rd child the child allowance at present amounts to 154 Euros and for the 4th child and further children to 179 Euros.

1st - 3rd child		0 - 5	6 - 11	12 - 17	18 and older	%
1.	up to 1,500	202	245	288	254	100
2.	1,501 - 1,900	216	262	307	275	105
3.	1,901 - 2,300	230	278	325	295	110
4.	2,301 - 2,700	244	294	343	316	115
5.	2,701 - 3,100	258	310	361	336	120
6.	3,101 - 3,500	281	336	391	369	128
7.	3,501 - 3,900	303	361	420	401	136
8.	3,901 - 4,300	325	387	449	434	144
9.	4,301 - 4,700	348	413	478	467	152
10.	4,701 - 5,100	370	439	507	499	160

From the 4th child		0 - 5	6 - 11	12 - 17	18 and older	%
1.	up to 1,500	189.50	232.50	275.50	229	100
2.	1,501 - 1,900	203.50	249.50	294.50	250	105
3.	1,901 - 2,300	217.50	265.50	312.50	270	110
4.	2,301 - 2,700	231.50	281.50	330.50	291	115
5.	2,701 - 3,100	245.50	297.50	348.50	311	120
6.	3,101 - 3,500	268.50	323.50	378.50	344	128
7.	3,501 - 3,900	290.50	348.50	407.50	376	136
8.	3,901 - 4,300	312.50	374.50	436.50	409	144
9.	4,301 - 4,700	335.50	400.50	465.50	442	152
10.	4,701 - 5,100	357.50	426.50	494.50	474	160

E2. Does Germany charge interest on missed arrears / retroactive support / adjudicated arrears?

Yes, but not automatically. An order for interest is needed.

E3. If yes, please indicate the amount of interest charged.

5 percentage points above the base rate annually, § 288 (1) German Civil Code.

E4. Will Germany enforce a medical debt?

Yes.

E5. If so, under what circumstances?

If it is reduced to a (German) judgment.

E6. Have you elected to recover costs or charge fees in your State Plan?

N/A

E7. If yes, what costs are recovered from/fees charged to the obligee?

N/A

E8. Does Germany recover costs on behalf of the initiating State?

N/A

E9. Optional comments regarding recovering of initiating State's fees

N/A

E10. Please provide a citation for Germany's long-arm statute to establish and/or enforce child support.

Foreign Maintenance Act (Auslandsunterhaltsgesetz), see

<http://www.bundesjustizamt.de>

E11. Does Germany establish, enforce, or modify spousal maintenance orders?

The Institute handles child support cases only.

E12. Does Germany require the initiating State to include information about the new spouse or partner upon a request for establishment or modification?

No.

Optional comments regarding required information on spouse or partner.

N/A

F Income Withholding

F1. What term(s) does Germany use to refer to income withholding?

The German word is "Lohnpfändung".

F2. What specific source of income is not (or only conditionally) subject to withholding?

Retirement pay, widow's pension, orphan's pension, sickness benefit, compensation for pain and suffering, income from overtime, vacation allowance, Christmas allowance, see § 850 b German Code of Civil Procedure.

F3. Does Germany have any limits on income withholding?

Yes, there are protected earnings rates and self-support reserves.

F4. If yes, what are those limits?

Protected earnings rates (valid until June 30, 2009):

If there is no support obligation:	€ 989.99 per month
Support obligation for one person:	€ 1,359.99 p. m.
Support obligation for two persons:	€ 1,569.99 p. m.
Support obligation for three persons:	€ 1,769.99 p. m.
Support obligation for four persons:	€ 1,979.99 p. m.
Support obligation for five persons and more:	€ 2,189.99 p. m.

Self-support reserves:

Please see Duesseldorf Table above.

F5. What is the allowable fee per pay period for processing income withholding payments?

N/A

F6. After receiving an income withholding order or notice, what is the date by which the employer is required to implement income withholding?

Right after service on the employer. The next monthly pay has to be withheld.

F7. What is the date by which an employer must remit amounts withheld from an employee's pay?

Immediately.

F8. What are your State's procedures for sanctioning employers for not implementing income withholding?

Legal action against third party debtor (employer).

F9. What is the penalty to an employer for failure to remit payments withheld?

The amount to be withheld plus damages have to be paid by the employer.

F10. Does Germany allow direct income withholding across State lines?

No.

F11. Optional comments regarding direct withholding of UI benefits across State lines.

N/A

F12. Does your State allow direct income withholding of worker's compensation benefits across State lines?

N/A

F13. Optional comments regarding direct withholding of WC benefits across State lines.

N/A

F14. How does an obligor contest income withholding in Germany?

He has to appeal against the wage withholding order at the appropriate German Local Court.

F15. When the obligor has more than one claim for child support against his income, indicate Germany's priority scheme for income withholding orders.

Whoever files his/her claims first will be satisfied first.

F16. If an employer in Germany receives more than one withholding order for child support , can the employer request assistance from the German Institute?

No.

F17. If assistance is not available, explain how employers should proceed.

N/A

F18. Does Germany require any mandatory deductions to arrive at net pay from gross pay when calculating disposable income for child support purposes?

Yes.

F19. If so, what are such mandatory deductions?

Social insurance contributions consisting of unemployment insurance, health insurance, retirement insurance, nursing-care insurance, income tax, solidarity tax, church tax.

F20. Does Germany require an employer to send notice of an employee's termination?

No.

F21. How long should an employer retain the IWO after termination of an employee, in anticipation of reinstating the withholding should the employee be rehired?

N/A

F22. Does Germany charge any fee to the obligor that the employer is required to withhold and remit to the German State?

No.

F23. Does Germany offer an alternate web-based payment mechanism in addition to paper and EFT/EDI?

No. Electronic transfer of funds only. We do not use paper checks in Germany.

F24. Can a direct income withholding be sent to any of the following in Germany: employer, financial institution etc.?

An income withholding order can be sent to the obligor's employer only, but not directly from abroad.

F25. If there is insufficient income for an employer to withhold for both the total amount of child support and medical support, describe your State's prioritization between child support and medical support.

In German support orders there is no distinction between child support and medical support. Medical needs are part of the normal support amount.

G Paternity

G1. When Germany enters an order establishing paternity, are issues of custody and visitation also addressed?

No.

G2. What is the percentage of probability for genetic testing that creates a conclusive presumption of paternity?

99.99 %

G3. Optional comments regarding paternity acknowledgment in Germany.

Paternity can be judicially established pursuant to § 1600 d I German Civil Code.

Paternity can also be acknowledged voluntarily by signing a document at the local Youth Welfare Office (Jugendamt) or before a Notary. The Youth Welfare Office does not charge any fees for drawing-up a document. These acknowledgments represent a unique method of establishing paternity and, if the parties wish to do so, support can be established in addition at the same opportunity and in the same document. The alleged father is asked by the child's guardian at the Youth Welfare Office to admit paternity voluntarily by executing the admission and promise to support before a German Notary (Public). While, at first glance, this might appear to establish nothing more than "evidence" of paternity, the results under German law are much greater. First of all, a German Notary (Public) has no real equivalent in the United States. On the contrary, a German Notary is a rather high public official with an extensive legal education. Under section 527 (5) of the German Notary Law, a Federal statute, a person cannot hold the office of a German Notary unless he establishes proof by examination that his legal education and experience justify his qualification for Judge (of General Jurisdiction) as defined in the Federal Judge Code.

For further information regarding Notaries in Germany, please see

http://en.wikipedia.org/wiki/Notary_public#Germany

Voluntary acknowledgment of paternity is possible unless it has been legally established before.

G4. Is paternity acknowledgment possible prior to the child's birth?

Yes, paternity may be acknowledged before a child is born. The child's mother has to sign a declaration of consent to make the acknowledgment effective.

G5. What is the effective date of the State law that makes paternity acknowledgments conclusive?

N/A

G6. Optional comments regarding paternity acknowledgments prior to that date.

N/A

G7. Does marriage constitute a rebuttable presumption of paternity?

Yes, unless someone else acknowledged paternity or was established to be the child's father before the marriage. In this case, paternity can be contested.

G8. How is the presumption rebutted?

See G7.

G9. If the father's name is on the birth certificate and paternity has not been established by any other man does this mean that paternity is conclusively determined?

No.

G10. If not, briefly explain.

In Germany it is not possible to register a man's name on the child's birth certificate unless paternity has previously been established or acknowledged.

G11. Does Germany have any other paternity-related presumptions?

Yes.

G12. If yes, briefly explain.

If husband and child's natural mother are, or have been, married to each other and the child is born during the marriage or within 300 days after the marriage is terminated, or husband dies, § 1591 et. seq. German Civil Code.

A man is presumed to be the father if he had sexual relations with the mother during the period of conception. The period of conception is the 300th day until the 181st before the child's birth.

G13. Does Germany have a putative father's registry?

No.

G14. Are there any fees for requesting searches, paternity documents, and data from any Bureau of Vital Statistics in Germany?

Yes, unless the Youth Welfare Office requests any documents. They are not charged with costs and fees.

G15. Is common law marriage recognized in Germany?

No.

G16. When the custodial parent and/or other witnesses are not able to appear in person for paternity hearings, what methods of testimony are acceptable?

Anything prescribed by The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters. For further information please see the homepage of the U.S. State Department:

http://travel.state.gov/law/info/judicial/judicial_689.html

G17. Please give the cite for your State's long arm statute and list any special provisions.

N/A

G18. Does Germany recover genetic testing costs for other States?

Incoming cases are free from costs according to the Foreign Maintenance Act. The child is granted legal aid.

G19. Are there any documents that are required to get the father's name on the birth certificate?

Yes, a paternity judgment or paternity acknowledgment is required.

G20. What is the effective date of the State law that makes a father's name on the birth certificate a conclusive determination of paternity?

N/A

G21. If there is more than one child with the same custodial parent, and the same alleged father, should one set of documents be sent to your state (with a paternity affidavit for each child) or should a separate packet be sent for each child?

See home page of the Bundesamt für Justiz:

www.bundesjustizamt.de

H Contestation of Paternity

H1. Who may contest paternity?

The man, who was married to the child's mother when the child was born,

the man, who acknowledged paternity,

the man, who made a statement in lieu of an oath that he had sexual relations with the mother during the legal period of conception,

the child's mother,

the child him/herself.

See § 1600 German Civil Code.

The persons entitled to contest paternity have to do so in person, not by a representative, § 1600 a German Civil Code.

If the child is minor, his/her legal representative has to contest paternity.

H2. What are the time limits to contest paternity according to § 1600b German Civil Code?

- 1) Paternity can be contested judicially within two years. The time limit starts with the date when the person entitled learns about circumstances which make him doubt that he is the father;
- 2) The time limit does not begin before the child's birth, and not before there is an effective acknowledgment of paternity. In cases where § 1593 (4) applies, the time limit does not begin before there is a final judgment by which paternity of the mother's new husband is excluded.
- 3) If the minor child's legal representative has not contested paternity in time, the child is allowed to contest paternity himself/herself when he/she emancipates. In this case the time limit does not begin before the child's emancipation and not before the child finds out that there may be reasons against paternity.
- 4)
- 5)
- 6) The expiry of the time-limit is suspended as long as someone prevents the person entitled to contest from contestation by threatening him/her.

I Support Order Establishment

11. Does Germany use an administrative or a judicial process to establish a support obligation?

Judicial.

12. If Germany can establish under both, under what circumstances would the administrative process be used?

In case of a voluntary acknowledgment of support obligation.

13. Under what circumstances would the judicial process be used?

If the obligor does not voluntarily acknowledge his support obligation.

14. If Germany uses an administrative process, provide the statutory citations for your State's administrative procedures.

N/A

15. In setting support under your State's guidelines, whose income is considered in addition to the NCP?

N/A

16. What criteria for rebutting your presumptive guidelines have been established in Germany?

N/A

17. Will Germany establish support orders for prior periods?

Yes.

18. If so, for what prior periods?

Retroactive to the child's birth, see § 1613, 1 (2) German Civil Code.

19. What information or documentation does Germany require to proceed?

All information contained in a UIFSA package is helpful.

110. Will Germany allow a petition for support when the only issue is retroactive support?

Yes.

111. If there are limitations upon Germany's ability to establish support for prior periods, please specify.

Yes, see § 1613 German Civil Code.

112. What actions can Germany perform using the administrative process? Does your State use an administrative process for paternity, establishment, modification and the enforcement of child support?

In cases of voluntary acknowledgments of paternity the process is administrative. In cases of support establishment, modification and enforcement of support the process is judicial.

113. What is your State's statutory authority for the administrative process?

The Youth Welfare Offices all over Germany.

114. Is there a local State law that allows the interstate administrative subpoena?

N/A

I15. Does your State require that a custodial person (who is not one of the biological parents) to have legal custody of a child before establishing an order for support for that child when public assistance is/or is not being expended.

N/A

I16. Does your State require that a custodial person (who is not one of the biological parents) to have legal custody of a child before enforcing an order for support for that child when public assistance is/or is not being expended?

N/A

I17. When your State has issued an order that reserves support, and now child support should be ordered, should the other state request an establishment or a modification action?

In Germany there is no equivalent to an order that just reserves support.

J Support Enforcement

J1. Indicate whether your State has the following enforcement remedies available. Also indicate what procedures are available (i.e. judicial, administrative, or both?

J2. Are your State income tax refund procedures judicial, administrative, or both?

If the obligor is entitled to an income tax refund, the claim can be attached by way of enforcement.

J3. What are the trigger criteria for filing a lien?

Charge on property. Executory title, execution clause and proper service required.

J4. Where is your State liens filed?

In the Real Property Register.

J5. Does your state charge a fee for filing a lien?

Yes.

J6. If so, please indicate the amount.

The amount varies.

J7. Does your State enforce property seizure and sale?

A creditor can apply for seizure and for compulsory sale procedure.

J8. Are the property seizure and sale procedure judicial, administrative, or both?

Judicial.

J9. Are the MSFIDM Freeze and Seize in your State judicial, administrative, or both?

-

J10. When must a non-custodial parent receive notice that a MSFIDM Freeze and Seize action is an enforcement remedy and may be used to collect delinquent child support?

-

J11. Does your State's income withholding definition include amounts in financial institutions?

N/A

J12. Does a new notice have to be sent when intent to Freeze and Seize is sent?

The executory title has to be served once. Whenever there is a modification of the executory title, it has to be served anew.

J13. If so, who notifies the NCP, the State or Financial Institution?

The Court.

J14. What are the time frames if a new notice of intent to Freeze and Seize must be sent?

N/A

J15. What are the criteria that must be met to deem an obligor eligible for Freeze and Seize action in your State?

The amount set out in the title.

J16. What is the minimum dollar amount that the obligor must be delinquent prior to becoming eligible for asset seizure?

N/A

J17. Is there a specified amount of time for the obligor to be delinquent prior to proceeding with Freeze and Seize?

N/A

J18. Are only a certain percentage of the obligor's financial assets eligible for Freeze and Seize?

No.

J19. Is the percentage different for joint accounts?

N/A

J20. Does your State require that a minimum amount of money must be in a financial account for the funds to be eligible for Freeze and Seize action? If so, please provide the amount?

N/A

J21. Who is responsible for applying the minimum amount, your State or the Financial Institution?

N/A

J22. How long does the obligor and/or account holders have to contact your State child support enforcement and/or court to challenge the Freeze and Seize action?

Upon receipt of notification.

J23. If State law and/or policy allows for a second contest to Freeze and Seize action, how long does the obligor and/or joint account holder have to contact your state child support agency or court to challenge the Freeze and Seize action?

N/A

J24. On what basis can an obligor and/or other account holder challenge/contest a freeze and seize action?

On the basis of formal things, e. g. the debt is already cleared, the Court has no jurisdiction, the outstanding sum is incorrect.

J25. Is your State's complaint review process judicial, administrative or both?

Judicial.

J26. What are the legal penalties in your State for incorrect seizures?

Legal action for damages.

J27. Is the second challenge administrative, judicial or both?

Judicial.

J28. What are your State's appeal time frame, unique appeal requirements and recourse for non-debtor accounts?

N/A

J29. Is the Freeze and Seize operation in your State centralized or automated?

Neither nor. The appropriate Court has jurisdiction.

J30. Are there additional Freeze and Seize requirements or limitations not otherwise noted in this profile?

Joint ownership can be a reason to contest.

J31. Has Germany established a minimum benefit amount that must be met for a financial institution to proceed with the Freeze and Seize action?

N/A

J32. If yes, what is the amount?

N/A

J33. Does Germany have procedures in place to liquidate non-liquid assets (e.g. stocks, bonds, etc.)?

N/A

J34. If yes, please provide the state authority and the procedures Financial Institutions should follow to liquidate non-liquid assets.

N/A

J35. Does your state law/policy instruct the Financial Institution or state to hold the frozen assets during the challenge/appeal time frame and/or freeze period?

N/A

J36. If yes, please define.

N/A

J37. Does Germany withhold state funds or benefits?

See F2.

J38. If yes, is the method of withholding state benefits judicial, administrative, or both?

Administrative.

J40. Please describe any other administrative enforcement procedures your State may have?

N/A

J41. Please describe any other judicial enforcement procedures your State may have.

Complaint of an offense is possible, however, this is not an enforcement remedy.

J42. If Germany has established specific procedures for registering administrative liens, what are the procedures that another state must follow?

N/A

J43. Which of our State's enforcement remedies are available without registration?

N/A

J44. Describe your State's registration and enforcement procedures.

Code of Civil Procedure, 8th Book, § 704 et. seq.

J45. After registration, describe additional judicial procedures required, if any, to enforce a support order.

N/A

J46. Has Germany adopted the Uniform Enforcement of Foreign Judgments Act (UEFJA)?

No.

J47. If yes, please provide the statutory citation.

N/A

J48. Does your Germany's law require financial institutions doing business in your State to accept Freeze and Seize actions directly from other states?

No.

J49. If no, describe the process for a Freeze and Seize action from another state's IV-D agency.

N/A

J50. Does your State use credit bureau reporting as an enforcement method?

No.

J51. Provide which credit bureaus in your state report an obligor's child support information?

N/A

J52. Is the method for credit bureau reporting judicial, administrative or both?

N/A

J53. In an interstate case, does your State report an obligor's child support information to credit bureaus when it is the initiating state, the responding state, or both?

Neither nor.

J54. What are your State's criteria for reporting an obligor's child support information to credit bureaus?

N/A

K Modification and Review/Adjustment

K1. With what frequency are reviews conducted in IV-D cases (e.g. every year, every three years)?

If circumstances change substantially (10 %).

K2. On what basis are the reviews conducted (e.g. on request of the CP, NCP)?

Upon the request of either party.

K3. Briefly describe Germany's modification procedure.

Judicial. The Local Court will seek to adjust the order upon request.

K4. What are your criteria for modification?

Change in circumstances (10 % according to legal practice).

K5. Which of the following criteria for demonstrating a change in circumstances apply, if any?

K5.1. The earnings of the obligor have substantially increased or decreased.

Yes.

K5.2. The earnings of the obligee have substantially increased or decreased.

Yes.

K5.3. The needs of a party or the child(ren) have substantially increased or decreased.

Yes.

K5.4. The cost of living as measured by the Federal Bureau of Vital Statistics has changed.

N/A

K5.5. The children have extraordinary medical expenses not covered by insurance.

If special needs occur, they cannot be claimed by way of modification, but have to be claimed judicially in a separate proceeding.

K5.6. There has been a substantial change in child care expenses.

If permanently, yes.

K6. What other criteria does Germany use for demonstrating a change in circumstances or comments regarding change of circumstances?

All circumstances which change the calculation results substantially.

K7. Does Germany have cost of living adjustments (COLAs)?

Yes.

K8. If so, what does Germany use?

The Standard Support Rates. If the support order is dynamic, i. e. when it shows an indexation, the Standard Support Rates apply.

K9. How does Germany credit SSA disability to current and past due support?

N/A

K10. Does Germany abate support? For example, when the child is not living with the custodial parent for more than 30 days and there has not been a change in custody, or when the con-custodial parent is in prison, etc.

Not automatically, only upon application of the parties.

K11. If so, explain the situation.

See K10.

K12. What is the statutory cite for your abatement law?

N/A

K13. What documents are required for each type of referral other than UIFSA referrals? For example, pay periods and certifications for TANF, etc.

N/A

K14. Please provide information to obtain copies of paternity acknowledgments/affidavits and birth records, including where to make requests and the cost of processing the requests.

Copies of birth certificates can be obtained from the Civil Registry Offices or through the Youth Welfare Offices by way of judicial assistance.

K15. What information is required to register an out-of-state order for enforcement/modification?

Please see home page of the Federal Office of Justice (Bundesamt für Justiz) in Bonn, Germany

<http://www.bundesjustizamt.de>

and click on Auslandsunterhalt / Hinweise.

L Lump Sum Payments

L1. Does Germany define a lump sum payment?

Yes.

L2. If yes, please provide Germany's definition.

- 1) For example, a compensation for dismissal can be withheld, however, there is a limit of exemption from execution.
- 2) If the obligor wants to free himself from his support obligation, there are limits under German law. Basically, according to German law support has to be paid in the form of periodical (regular) payments, § 1612 Civil Code. Exception: § 1612 1, (2) Civil Code.

L3. Provide the statutory citation.

N/A

L4. Does German law require employers to report lump sum payments?

N/A

L5. If yes, please provide the statutory citation or rule requiring employers to report this information.

N/A

L6. Are employers required to report lump sums for all income withholding orders (including cases with no arrears)?

N/A

L7. If yes, what is the threshold amount at which a lump sum payment must be reported?

N/A

L8. How are employers instructed to report a pending lump sum?

N/A

L9. Provide the timeframe within which the child support enforcement agency must respond to the employer with instructions for attaching the lump sum.

N/A

L10. How long must the employer hold the lump sum before releasing the payment to the custodial parent?

N/A

L11. Does Germany use the income withholding order to attach the lump sum payment?

N/A

L12. If yes, is it noted on the original order or is it sent specifically to cover the lump sum?

N/A

L13. Does Germany use the lien/levy process to attach the lump sum payment?

N/A

L14. If yes, what is the name of the document Germany uses to attach lump sum payment?

N/A

L15. What other documents does Germany use to attach lump sum payments?

N/A

L16. Does Germany require the consumer Credit Protection Act (CCPA) limits to be applied to lump sum payments?

N/A

L17. If yes, what are those limits?

N/A

L18. If no, what percentage is the employer required to withhold?

N/A

L19. If an employer pays the lump sum in addition to regular wages, in a single payment, would the CCPA limits apply?

N/A

L20. If yes, would the employer only withhold for that period's obligation?

N/A

M Miscellaneous

M1. Can the German Institute help U.S. States in locating absent parents in Germany?

Yes, however, we have very limited location tools compared to the USA.

M2. What kind of information is needed in order to find someone in Germany?

Location of a German citizen: Full name (maiden name), date of birth, birthplace (if possible), last known address in Germany.

Germany does not have a central registration office for German citizens, for that reason we have to start our search at a local registration office where the absent parent has lived before. From there we can trace him/her back to the local registration office of his present residence.

Location of a foreign citizen: Full name, date of birth, nationality, birthplace (if possible), last known address in Germany (if possible). There is a central registration office for foreign citizens in Germany, for that reason we do not necessarily need a last known address, however, it would be helpful.

Location of U.S. Army members in Germany: Full name, American SSN, date of birth (if possible). Active U.S. Army members stationed in Germany are registered centrally at the U.S. Army Headquarters in Heidelberg.

If someone is registered in the telephone directory and the name of a city is known, a helpful link for finding out an address may be

<http://www.telefonbuch.de>

M3. How or where can an American Child Support Enforcement Agency obtain translation services?

The German Embassy in Washington DC and the German Consulates General throughout the USA have lists of translators known to them. Please ask for the lists. The Consulates themselves do not provide translation services.

A helpful link may be <http://www.germany.info>

Further helpful links regarding child support and advanced maintenance payments in Germany:

<http://www.childpolicyintl.org/childsupporttables>

<http://www.eurofound.europa.eu/emire/GERMANY/CHILDBENEFIT-DE.html>

http://ec.europa.eu/civiljustice/maintenance_claim/maintenance_claim_ger_en.htm

The following is a very helpful link when **currency conversion** needs to be done:

<http://www.oanda.com/convert/classic?lang=en>

Health Insurance in Germany

The following links provide useful information regarding health insurance in Germany:

<http://www.medknowledge.de/germany/dr/healthcare.htm>

<http://www.justlanded.com/english/germany>

All information provided on these internet pages is in English.

No responsibility is taken for the correctness of the information provided on the aforementioned internet pages.